

ASSEMBLY BILL

No. 609

Introduced by Assembly Member Conway

February 25, 2009

An act to add Section 31720.2 to the Government Code, relating to county employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 609, as introduced, Conway. County employees retirement: disability retirement.

Existing law provides that a member of a county or district retirement system subject to the County Employees Retirement Law of 1937 shall be retired for disability if he or she is permanently incapacitated for the performance of duty and either the incapacity arose out the member's employment, as specified, or the member has 5 years of service.

This bill would instead provide that a member of the county retirement system in Tulare County shall be retired for disability only if he or she is unable permanently to engage in any substantial gainful employment with the county and either the incapacity arose out of the member's employment or the member has 5 years of service.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 31720.2 is added to the Government
- 2 Code, to read:
- 3 31720.2. (a) Notwithstanding Section 31720, any member
- 4 who is permanently incapacitated, as defined in subdivision (b),

1 shall be retired for disability regardless of age only if either of the
2 following apply:

3 (1) The member's incapacity is substantially caused by injury
4 or disease arising out of and in the course of the member's
5 employment.

6 (2) The member has completed a total of five years of service.

7 (b) For the purpose of this section, "permanently incapacitated"
8 means that the member is unable permanently to engage in any
9 substantial gainful employment with the county.

10 (c) This section shall apply only to Tulare County.